

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICIAH BLACK,

Plaintiff,

vs.

OHIO DEPARTMENT OF
REHABILITATION AND
CORRECTIONS, *et al.*,

Defendants.

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Case No. 1:23-cv-404

Judge Jeffery P. Hopkins

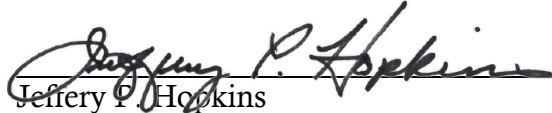
ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Kimberly A. Jolson on September 1, 2023. Doc. 6. After performing an initial screen of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2), the Magistrate Judge recommended that the Court dismiss Plaintiff's Complaint in its entirety for failure to state a claim on which relief may be granted. The Court has carefully reviewed Plaintiff's Complaint, and the Court has assessed the comprehensive findings and conclusions of the Magistrate Judge in the Report and Recommendation and has found no clear error. *See* Fed. R. Civ. P. 72 (advisory committee notes from 1983 amendment) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation"); *see e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-cv-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022). Noting that no objections have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** the Report and Recommendation in its entirety.

Accordingly, it is hereby **ORDERED** that the Complaint be **DISMISSED WITH PREJUDICE** for failure to state a claim on which relief may be granted.¹ For the reasons stated in the Report and Recommendation and pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would lack an arguable basis in law or in fact and thus would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

January 29, 2025


Jeffery P. Hopkins
United States District Judge

¹ Pursuant to a case memorandum order dated to December 1, 2023, (Doc. 10), this case, *Black v. Department of Rehabilitation and Corrections et al.*, No. 1:23-cv-00404-JPH-KAJ, is related to another case, *Black v. Hartley et al.*, No. 2:23-cv-03954-JPH-KAJ.